

EXHIBIT E

Fickes, Mark P.

From: Fickes, Mark P.
Sent: Tuesday, December 04, 2007 7:22 AM
To: 'Weiss, Shirli'; 'MASLOAN@skadden.com'
Cc: 'Coopersmith, Jeff'; 'Priebe, David'; Ro, Elena; LaMarca, Susan F.
Subject: RE: SEC v. Schroeder

I believe we are all in agreement. Ms. Harlan's deposition is off calendar for now, and Matt will propose dates in April when she can sit for deposition.

Mark

From: Weiss, Shirli [mailto:Shirli.Weiss@dlapiper.com]
Sent: Monday, December 03, 2007 5:24 PM
To: Fickes, Mark P.; MASLOAN@skadden.com
Cc: Coopersmith, Jeff; Priebe, David; Ro, Elena; LaMarca, Susan F.
Subject: RE: SEC v. Schroeder

Thanks, Mark. I don't actually have a preference but I suspect the court might be annoyed if we make the witness appear only to be instructed not to answer when we could state the positions at issue on paper, so I guess on that basis I agree with Skadden that the best course would be to delay the deposition and ask that you do that. April sounds ok, and setting a new date this week is a good idea.

Shirli

From: Fickes, Mark P. [mailto:fickesm@sec.gov]
Sent: Monday, December 03, 2007 3:39 PM
To: Weiss, Shirli; MASLOAN@skadden.com
Cc: Coopersmith, Jeff; Priebe, David; Ro, Elena; LaMarca, Susan F.
Subject: RE: SEC v. Schroeder

Dear Shirli and Matt:

We are willing to take Ms. Harlan's deposition off calendar for now based on the representation that you both would prefer to delay the deposition.

I would like to get a new date confirmed as soon as possible. I believe Matt mentioned that April would be good. If this is still the case, I would like to set up the new date this week, if possible.

Thank you,

Mark

From: Weiss, Shirli [mailto:Shirli.Weiss@dlapiper.com]
Sent: Monday, December 03, 2007 3:14 PM
To: Fickes, Mark P.; MASLOAN@skadden.com
Cc: Coopersmith, Jeff; Priebe, David; Ro, Elena; LaMarca, Susan F.
Subject: RE: SEC v. Schroeder

12/12/2007

Dear Mark:

Under the present schedule for Ms. Harlan's Dec. 5 cross-noticed deposition, the SEC would question Ms. Harlan and then we would plan to question Ms. Harlan. We have been advised that Ms. Harlan will be instructed not to answer certain categories of questions that will be put to her by Schroeder's attorneys and we will have to leave the deposition open to obtain court rulings on a variety of questions. As we have been discussing, the more efficient way to proceed, it would seem, would be to approach the court with a clear stipulated record of the categories of questions to which Ms. Harlan will not respond or the conditions demanded in order to allow her to respond, before commencing her deposition. We have made some headway in that regard through an exchange of correspondence, emails and a meet and confer with Skadden and I am confident that if both of us work at it, we can get a clear statement of position by today or tomorrow to submit to the court.

So, if the SEC is willing to take the deposition of Ms. Harlan off calendar for now, we also are amenable. Mark, please advise.

We ask that Mr. Sloan please advise us of the projected date of Ms. Harlan's return from her leave of absence.

As all of you know, we believe that the Special Committee has waived whatever attorney client and work product protections it may have had on the documents we have requested in our subpoena and we understand that Skadden disagrees. Just to give folks a heads up, if the court in its ruling decides that Ms. Harlan must testify (with or without confidentiality restrictions) with respect to her notes on the interviews of the numerous witnesses other than Schroeder, we do expect the deposition of Ms. Harlan will last more than one day. Absent a stipulation with Skadden and the SEC, we will ask the court for permission to continue the deposition from day to day until completed. You need not respond to this point at this time, there will be plenty of time for us to discuss this.

Thank you

Shirli Weiss

From: Weiss, Shirli
Sent: Monday, December 03, 2007 11:32 AM
To: 'Fickes, Mark P.'; MASLOAN@skadden.com
Cc: Coopersmith, Jeff; Priebe, David; Ro, Elena; LaMarca, Susan F.
Subject: RE: SEC v. Schroeder

Thank you Mark,

I requested of Matt Sloan that Skadden set forth a clear statement of its position on topics for Ms. Harlan's deposition that I have identified to it and Matt said he could have it to me today but did not specify a time.

I am pleased to go forward with Ms. Harlan's deposition on Wednesday to establish a clear record of Skadden's position but am willing to accommodate Skadden's request that we defer if we can work out a clear record for purposes of motion practice. I do not know at this time if that will be possible by 5pm.

Therefore, at this point the deposition is on for Dec. 5 at the SEC's offices (I am more than happy to move it to our offices).

In no event will Ms. Harlan's deposition be concluded on Wednesday however, without our leaving the record open for continued questioning after Skadden/Harlan has complied with the subpoena unless we receive a court order specifying that compliance is not required.

Thank you

12/12/2007

Shirli Weiss



Shirli Fabbri Weiss
Partner

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From: Fickes, Mark P. [mailto:fickesm@sec.gov]
Sent: Monday, December 03, 2007 11:18 AM
To: MASLOAN@skadden.com; Weiss, Shirli
Cc: Coopersmith, Jeff; Priebe, David; Ro, Elena; LaMarca, Susan F.
Subject: SEC v. Schroeder

Dear Matt and Shirli:

I understand that the two of you are trying to work out some of the issues involving Ms. Harlan's deposition. I further understand that both of you would like to defer Ms. Harlan's deposition provided that Matt provides sufficient clarity as to what areas of inquiry will not be permitted. While I am open to accommodating a request to defer the deposition, I would like to know by 5:00 p.m. today whether both of you want a postponement.

Thank you,

Mark

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